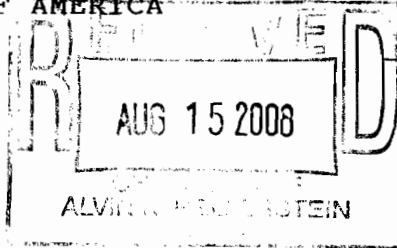


SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA
(respondent)CASE#08civ.1195 (AKH)
Crim#00 cr.678 (AKH)

.v.

WINSTON HILTON
(petitioner)

Since all Mr. Hilton's arguments were previously considered, his motion for reconsideration is denied. 8-18-08

MOTION FOR RECONSIDERATION AND PURVIEW OF THE "WRIT OF HABEAS CORPUS 28 U.S.C. § 2255" AND WITH (emphasis added) TO WITHDRAW ANY SPECIFIC CLAIMS OR CLOSELY FUNCTION CLAIMING THAT WERE RAISED IN THE APPEAL PROCEDURE TOWARD THIS CASE AT BAR FOR MR. HILTON AND THAT HAS NOW EXIST IN THE FILING UNDER 28 U.S.C. § 2255. BUT FOR WITHOUT REPRINTED OF PAST PART MERITLESS FILINGS AS IT FURNISHED TO BE READDRESS ON THE ORIGINAL PAPERS SUBMIT TO THE COURT'S IN FEBRUARY OF 2008.

Comes now, the defendant (Mr. Hilton) to respectfully ask pardon from the Honorable Court Judge: Alvin K. Hellerstein to re-read and to further examine the issues that had merit, that is listed in said filing as it may pertained to legal arguments by the defendant, and the Court denial on July 31, 2008.

MOTION TO STAY AND ABATE THE FEDERAL HABEAS CORPUS UNDER SECTION 28 U.S.C. § 2255 PROCEEDINGS FILED APPROXIMATELY (FEBRUARY 2008) AND TO STAY THE COURT'S CONSIDERATION OF PETITIONER'S APPLICATION FOR [COA] WHILE PETITIONER "WRIT OF HABEAS CORPUS 28 U.S.C. § 2255 MERIT CLAIMS IS BEING ABATABLE BY THE UNITED STATES COURT JUDGE: ALVIN K. HELLERSTEIN".

FACTS AND PROCEDURAL BACKGROUND

Mr. Hilton wish for the Court Judge to reconsider, (his opinion(s)).

- 1. Has to the witness in open Court room:
Of all the talents bestowed upon men, none was so precious as the arts of speaking effectively in open Court as Mr. JOSEPH IRVING, wrongfully accusing the defendant MR. HILTON, in the trial Court from January to February of 2002 that ended in a jury verdict of 1000 kilograms or more (MARIJUANA), which is very difficult to undertake or overcome. Even though I am forced to deal with this timeworm on earth, [I HAVE FORGIVEN HIM OUT RIGHT). There are people who have no sense of right and wrong, people who will lie even in open Court(s), to family and friends to get what they want, people who do not care who gets hurt in their process and they don't care about the human costs to their actions.
- 2. Discovery- Prosecution's failure to disclose evidence at the jury trial proceeding from the charge stemming from weights of marijuana coming to NEW YORK from CALIFORNIA.
- 3. The evidence, if presented would be in the favor to defendant Mr. HILTON of the amount of 2018 lbs of marijuana.
- 4. The material, thereby causing prejudice to this defendant Mr. HILTON at the jury trial and its verdict, also the [PSI] had slanderous report against Mr. Hilton that induce a "Due Process Right" under relevant conduct : 1B1.3 scope of the criminal activity.

- 5. Petitioner is unable to receive propose defense from the lack of weight in the one (1) shipments that the government claim that [he] Mr. HILTON had knowledge and even the scheme to further the conspiracy from California to New York, there are no chemical Analysis toward the instant case, petitioner lack the apparent ability to ascertain further to present his defense to Court Judge: ALVIN K. HELLERSTEIN.
- 6. Violation of his due process rights under the Constitution Rights from 2000 to 2008.
- 7. The trial counsel Ms. ELLEN BANKS should have disclosed the evidence in its totality that she had learned about before and/or during the trial begin, in the existence of the seizure amount on that one (1) shipment of May 19, 2000. The destruction by the gov't agencies of the evidence of marijuana, also the violation of not presenting about the [NO SEARCH WARRANT] that should haven't been issued to seize evidence from defendant place of resident. Mr. Hilton sublet apartment which had a closed closet, that was searched, had contained the evidence that was found in the said apartment on JUNE of 2000. Wherefore she also had visited said apartment and took pictures of where Mr. HILTON was placed under arrest by the [LAW] enforcement agent(s) and see that there was no closeness to the place or storage were the (marijuana) was founded. Counsel prove no more than conflict of interest on the defendant MR.HILTON part during the proceeding from start to finish.
- 8. There was many deception toward this case at bar against MR. HILTON, which called now for poor assistance of counsel on the **counsel** and prejudice toward this case against him Mr.HILTON in the fullest as of today reading and learning about his own case from 2000 to 2002 and all the further developments.
- 9. Mr. HILTON was convicted on a one (1) shipment that were seized in California bounded for New York City and to further that same conspiracy in it's scheme. But the amount has being re-changed according to the government motions and their briefs from amount to amounts. Also Mr. HILTON now wished to challenge his sentencing on the base offense level to which he was sentenced under by the jury verdict of 1000 kilograms or more of Marijuana, that imposed a mandatory minimum against him in this case at bar in contemporaneously fashion as to the violation of the justice systems of america.

CONCLUSION:

The sentence were in excess of maximum authority by law as to the weight as stand right now at [2018 lbs] cause where the jury was instructed on the amount been [2200 bls] then a constitutionally deficient, prejudice, unfair, unfit integrity and to the public reputation as the trier-of-factors in this judicial proceeding as to the verdict under amount 1000kilograms or more of marijuana was wrongly introduce to the jury against their indictment in full. The gov't commit constitution defect that further existed why the trail mechanism against Mr. Hilton was outright wrong in the case from 2000 to 2002.

Because had that same ~~amount been introduced~~ the outcome by the jury would have being different as to what Mr. HILTON was charged for by the government in this conspiracy, in count one of the indictment from 1998 to 2000 against the petitioner. The petitioner would further like for the Trial Judge :ALVIN K. HELLERSTEIN, to grant this motion and to further remand back the case against Mr. HILTON, [court's proceeding for a new trial and/or an evidential hearing on the grounds of the defendant's own participation in this conspiracy from MAY of 2000 way after this large amount of conspiracy existed, whether it be (2200 lbs or the revised amount of 2018]. I had no knowledge of that conspiracy happening from CALIFORNIA. Mere association of being a family member, alone or the partake in May of 2000 from what were said in the phone calls should not pointed to the conviction of 1000 kilograms or more of marijuana.

HOWEVER, germane to all the above statements, and to all case law that would supposed these issues. Wherefore based on the nature of the charge and the disparity in case and the jury conviction, and the mandatory minimum sentencing that took place, toward the indictment of 1000 kilograms or more of marijuana, case # 00cr.678 /or 300cr.678 (AKH) under 21 U.S.C.A. § (b)(1)(A) a scheme of conspiracy in the count one [1] against Mr. HILTON from 1998 to 2000.

Petitioner hope and pray that the HONORABLE COURT JUDGE :ALVIN K. HELLERSTEIN, may grant this petitioner motion as it is unfolded in his reading as to stating the truth, I understand that a false statement or answer to any questions in this petitioner motion will subjected [HIM] to penalty for perjury.

~~Now I~~ declare under penalty of perjury that the forgoing is true and correct to best of my knowledge and to understanding toward this case.

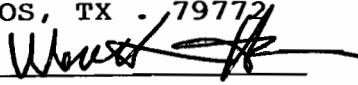
RESPECTFULLY SUBMITTED

NAME :WINSTON HILTON 49380-054

ADDRESS: R.C.D.C. I& II

P.O.B. 1560

PECOS, TX . 79772

Sign:  8/11/08

CC. Prosecutor: Mr. BOYD JOHNSON III